

Hawaiian Gazette Supplement, Wednesday, May 29, 1878.

REMARKS

Of His Excellency A. S. Hartwell, in the Assembly
Ray 24, on the Report of the Finance Committee.

The Attorney General spoke, in substance, as follows:

Mr. PRENTISS.—I see that this Report is printed before presenting it to the Assembly, and as its statements are likely to be largely circulated, I wish at once, without attempting any extended answer, to refer to some of these charges. This Report is the bomb-shell; the very reading of which, it has been publicly asserted by members of the Committee, would scatter the ministerial camp like leaves before the wind. From the moment this Committee was appointed, their report was indiscriminately disseminated as something in which this administration would immediately succeed. The Honorable Chairman of the Committee on Finance, in a recent speech making a pointed attack upon the Ministry, took pains to assert, that he "cared not man's office," assuming that to be a fact, although it is entirely immaterial whether he desires office or not, although it is no crime for him, or any one, to seek important public service—but it is plain that he has incorporated in his Report about all that the bitterest personal and official enemies of the administration, those dairing office for themselves, or their friends, those having any real or fancied grievances, those who willingly bear and spread personal calumny—have ever said against the administration. It is also clear that he has neither presented nor sought to present any such explanations or statements as were offered to him, or were made possible, in regard to the various charges so made. This Report therefore may fairly be regarded as showing the most and the worst that can be said against the Ministry, without mitigation or explanation. It not only contains the vagaries seen, the nonmention of material truths, but also that which is worse than open attack, the suppressed fault, or inaction of evil motives or acts, all of which shows whether the Honorable Chairman who presents it is himself actuated by a desire to sacrifice the truth, or not. If then, in full inquiry, all these outrageous charges shall be shown to be untrue, or else to be explained in the satisfaction of four-handed men, this Report will receive the consideration it deserves, and no more, and possibly no less than may be, "done with their own pencil." I present these charges against my honest and忠实地 discharge of office, duty, uprightness, uprightness, disinterestedness, and accompanying no partiality, and against my keeping full and exact accounts of public money, as demanded of me, and as evidently insisted by a spirit for different from that of one who seeks to know the simple truth. To enter briefly to each charge. The Report states that \$2,000.00 was paid out of the Hawaiian Treasury, as the Committee think, without the authority of law, to the holders of Hawaiian Bond Bonds, "among whom was the Minister of the Interior, and whose attorney was the present Attorney General." The fact is, that before entering this office I had at counsel for the bondholders advised them that they conveniently were entitled by law to this money, that the statute under which these bonds were issued, and the name of the bonds themselves, precluded the people of the bondholders. That should be allowed for paying them interest up to have paid per cent., and that all this money was the Hovey property, and ready sum to only about 20 per cent. on the bonds. Before accepting my office, I advised to those who consulted with me, that no payment must be, the immediate payment of that money as soon as when it became due. I found a written opinion of my predecessor, that he imagined it was "the bounden duty" of the Government to pay this money to the bondholders. The faith of the nation was pledged to its payment, and I could not consent to going before the Court and asking that this money should not be paid. No one had been agreed before the Court and I took no action as the Report states without deference to the action of the Court. When Senatorship V. went for the re-election of one who seeks to know the simple truth, he did not say for one who would know of and make just responsibility, or who desired to meet any fair and honest inquiry into his official or confidential acts.

and yet, in fact of these facts, this Report invents that the indifference in the payment of this money was, that the Minister of the Interior was one of the bondholders, and I had been consulted in the matter. To those who had weapons of attack from such an arsenial, who only by their opposition as such resources, my first impulse is, let them go on, and do what they can. But still if nothing is said in reply, a few words of exaggeration, misrepresentation and absolute untruth may be supposed to be sufficient. The next charge is, that, without legal sanction, I drew out \$2,000 from the Treasury at the end of the fiscal period, and placed it to my credit in the bank as a reserve fund for contingencies. The Honorable Chairman fails to state that which my books show to be true, and which I especially requested, that also the Honorable member from Kauai (Mr. Bishop), to bear in mind that I drew out the public pot, and rebuked a certain amount, which was paid over to the proper officers, according to law, and that really the only balances which I had left were \$1,420.00 being \$420 for Custer's expenses, \$80.00 for transportation of horses, and \$2.00 for incidentals, plus a small deposit of this made to the credit of the attorney-general and not to my private account; that the whole amount, and also the drafts which have been made upon it, appeared in my books, and that about \$800.00 more was deposited. It also is true, notwithstanding that the Report states that it is "somewhat unusual," by a former Report in 1871, that the practice has been followed by my predecessor, and that there was none in my office, to which the Committee had not come, will show. The Honorable member from Kauai, who was my predecessor, will confirm me in this statement.

Again, the Report states, "that of the incidental expenditure in the Attorney-General's Department, a considerable amount has not other source than the usual remuneration of the chief of the Department." The incidental fund—\$1,000—for the Department is used for supplying stationery, &c., office, paying traveling expenses, considering what may be required for use in the different offices, and many small outlays, as, for instance, postage, remittances, for legal services required for the attorney-general, whatever he or someone engaged. Every outlay of this nature is recorded in my books, and all portions of any considerable amount, and money for very small amounts, have receipts. Nothing has ever been done in this or any other Department of the Government, and there has been no other reason. All these amounts on my Department have always, unless it be satisfied by a spirit not seeking solely the public good.

Again, the Report states, "that the Attorney-General has been required by the Minister of Finance to draw up a form of Consular instructions, for which the Attorney-General charged and received the sum of \$100," but—subsequently returned to the office \$100, and inserted upon the records of his receipt. "The Committee, or the Honorable Chairman might have learned by asking me, or any of the other Senators. When Mr. Custer was Foreign Minister, at his request, I answered and replied to the instructions to our Consuls abroad, and the acts and measures relating thereto. For this work, occupying some days, no charge was made by me, and no pay was accepted or sought. I found that our Consuls abroad were in the habit of having no letters, passports or other documents prepared for foreign ship-owners, applying their vessels under the Hawaiian flag. For these documents, which apparently had been prepared by attorneys or conveyancers in foreign ports, and which were very much in their interests as generated in Liverpool, London, San Francisco and elsewhere, the Consuls and their correspondents were paid by the ship-owners, and no payment of such amounts was ever made to this Government. Finding no law to withdraw such documents, I informed Mr. Custer, and then at his request prepared such a form of documents as I thought would be approved under rules of international law, for which service it was understood I was to be paid \$100 from the amount otherwise paid to the Consuls for the legal expenses, as they desired the documents. This was not work which was required of the Attorney-General, or for which the Hawaiian Government was required to pay or did pay. I subsequently retained this money, and understanding being made, took back my receipt, thinking that although it was a perfectly just and proper charge to be made against the foreign ship-owners, it might be misinterpreted or misconstrued. The Foreign Office now has, I hear, \$100 paid from these sources, besides the Consuls, having deducted \$20 for each document for their own services."

The Report says that—"In the Attorney-General's office no regular set of books are kept—only an indefinite sort of record or ledger, very much interlined and unbound, and besides this, a small memorandum of petty expenses," and further remarks, that "the correspondence from Assistant or Deputy Attorney-General had been largely used in the employment of two or more clerks who might be available help in documents pertaining to private practice, but not utilized for the public duties contemplated when the government was made," that "in consequence, the

Attorney-General has employed lawyers recently to perform the duties of a clerk, who have been paid out of the public funds designed for other objects—for Custer's expenses, etc." My books have been kept precisely as they were always kept in my Department, except that the entries are in all cases fully explained. My predecessors, I know, will fully sustain this statement. Not even the Committee have discovered one cent improperly expended in the outlay of about \$96,000, except, as they say, in paying \$100 for drawing certain transfer papers of the former Livetree. I have devoted the salary for clerk hire, to obtaining the most efficient clerical work I could get. During nearly half of the period I paid from my own funds at the rate of \$1,000 a year to one competent clerk (besides paying another clerk), making no charge of this to the Government. On losing the services of my principal clerk, I divided the Government salary among two and sometimes three clerks, in the way I thought most useful. The records and accounts in my office will show, as I stated to the Committee, that it so happened that I have paid out less money for additional counsel than has been paid by some former Attorneys-General. The fee for drawing the Livetree paper was paid because of my severe illness, utterly incapacitating me from all work for a time. To my suggestion that I should resign, my colleagues advised my taking a short respite, which I did. It was important that the Livetree papers be made by a competent lawyer without delay. This was done, and his bill was paid. The Committee find no cause to comment on like employment of additional assistants in other Departments, nor do they care to report that I informed them that I had sent to the Eastern States, and had sought here, to obtain such an assistant as not only could do my clerical work, but also attend circuits. The

salary of \$1,000 will not command the services of a lawyer, and the Attorney-General cannot be in attendance on public business on two islands at the same time. Neither is he always certain of perfect health without vacation or rest. The charity and kind feelings of the Honorable Chairman did not allow him to make this explanation, I make it myself.

I have now briefly referred to all that has been charged against me. Most men who have long resided here are well known, and Hawaiians are particularly acute in learning whom they can trust, and whom not. I do not intend to enter the area of personality or inventive, and shall only do so if compelled by personal attacks. If the members of this House, or the Hawaiian or foreign community are informed of the truth, I have no fear of their conclusions. Knowing what calamities have been spread concerning myself and the Ministry, I am happy for the opportunity to meet the accusers face to face. It is for this Assembly to judge whether these attacks are made by those who "covet man's office" for themselves or their friends, or not. I do not care to protest, as the Honorable Chairman has done, my Christian faith, or my benevolence to the Hawaiian people, as reasons why they should trust me. "By their works ye shall know them." If my acts depend for their defense solely on my words, and not on the calm judgment and good sense of those who know me in this country, I should not care to speak.

These remarks, offered on the spur of the moment, will receive due consideration from all who have no prejudice or ulterior objects. It is not my pleasure to hold daily and nightly meetings with the Honorable members out of this House, to discuss either public or private affairs. But I know that a Hawaiian Legislature will not easily be misled when the facts are fairly laid before it.

AT THE AVERILL MIXED PAINT

Patented March 25, 1858, July 16, 1867. Re-issued December 23, 1874.

See that our Trade Mark is on each Packet.

Highest Medal and Diploma at the Centennial Exhibition for a Ready Mixed Paint

Indicating the highest merit of any of its class either in America or Europe.

EXTRACT FROM THE REPORT OF THE CENTENNIAL COMMISSIONERS.
E—It possesses merits unparallelled by the old method of combining paint. . . . It can be applied with great facility and perfect regularity; dries with a rich, glossy surface, and will not chalk or crack.

"It can be applied by any one, whether a practical painter or not."

Extract from Report of the Committee of the 12th Industrial Exhibition of the Mechanics' Institute, San Francisco, 1877.

"MIXED PAINTS."

"Your Committee has been at considerable pains to come to an equitable decision on the claims of the three exhibits competing under this head, the awards claimed being for the 'Best Ready Mixed Paint.'

"The point is, to determine, under three heads:

"First—What means, if any, have been used to secure the continued suspension of the pigment in the liquid, and how far have they been successful.

"Second—What are the working qualities, and which would secure a durable and opaque coat, at least expense."

"Third—What are the respective merits of the competing paints as to permanency and durability as an outside paint?"

The third paint is dropped from competition by the Committee, after testing on the first and second points, and the report continues: "As regards the third point, the Committee took pains to inspect a number of houses where the 'Babbin' and the 'Averill' had been used, and also possessed a large amount of testimony on the subject from various sources."

The most prominent objection to the ordinary Oil Paint is, that after a certain time, especially if exposed to the weather, it becomes brittle, cracks, and tends to scale off, at the same time becoming more or less 'chalky' on the surface. This is owing partly to an absorption of the oil by the wood, and partly to a true 'weathering out' of the dry oil from the surface, thus leaving the pigment exposed."

Referring to the 'Babbin Paint,' the report concludes: "The testimony goes to show that it is even more liable to peel off than ordinary Paint, or than the Averill Paint. As to its durability, the Committee are of opinion that the short time during which it has been used does not admit of a fair comparison with the Averill Paint."

"In the Averill Paint a kind of varnish body is given, apart from the pigment, by the Silicate of Soda, so that even its volatile power does not fully represent the actual amount of protective covering given by a coat of it. From testimony collected, the Committee are of opinion that it has proved itself equal to ordinary Oil Paint in the preservation of a fair surface under exposure to the weather, both as regards the tendency to crack and the absence of 'chalkiness.' In view of all the facts, the Committee award to the 'Averill Paint' the Medal for General Excellence as a 'Mixed Paint.'

MEDAL AND DIPLOMA AWARDED

BY THE

California State Agricultural Society, 1874-75.

This Paint is prepared in liquid form ready for use, requiring no further addition of oil or spirit. It is of pure white, and of any shade of color.

It is composed of Pure Linseed Oil, Siccative Pure White Lead, Pure Zinc, and the purest coloring and preservative ingredients, which by our peculiar process of manufacture are thoroughly united so that they cannot separate. Hence, it will never chalk, crack, or peel; does not run from sponges or nail holes; and it has the quality of color and beauty of finish it is without a rival.

Water Glass, which is an ingredient of this Paint, renders wood impervious to moisture, hence the Paint is waterproof. Water glass will not burn, and consequently the Paint will resist the action of the sun and fire better than any other known Paint.

It possesses sufficient of the highest degree, accommodating itself perfectly to the expansion and contraction of the material to which it is applied, so that it does not crack or separate, as is commonly the case in ordinary Paints. It will heat over when the material to which it is applied is broken.

It is entirely impermeable to weather, does with a peculiar rich, glossy finish, adhering firmly to any surface to which it is applied, hardening with age; retaining perfectly its color, and can be separated from the surface to which it is applied only by application of the most powerful chemicals used by mechanical force.

In the preparation of the AVERILL MIXED PAINT, the ingredients are thoroughly united by processes both mechanical and chemical, and therefore no oil is required, except necessarily by the solvent, accompanying the Paint is unaffected by weather, and its durability is increased by any other known Paint, as an experience of over Twenty Years in the Atlantic and Western States, and of over Nine Years in the Pacific Slope, has fully demonstrated.

It will last twice as long as the best White Lead, prepared in the usual way, while the cost of painting with the Averill Paint is less.

The difference between the Averill and other paints so commonly used is this: White Lead and Oil, when mixed in the ordinary way for application, will soon separate, the oil coming to the top and the lead settling to the bottom, and in winter a certain thickness has to be stirred every now and then to keep it from being used.

The tendency to separate is so great that when it is applied to wood the oil will run down the face, and soak into the wood, leaving the lead on the outside to be acted on by the elements, and in this dry and hot climate, what little oily mass has been left in the lead is soon burned out and destroyed, leaving the lead dry and brittle, ready to chalk off by friction, or be thrown off by rain; while in the Averill Paint the oil is bound to perform the office for which it was intended, by being so thoroughly combined with the other ingredients that it cannot separate, and when applied to wood or other material it forms a coating as tough and impermeable that it cannot chalk off or be affected by rain.

As a House Paint

It gives the richest, most agreeable, uniform and permanent tint, and it has the additional advantage that whenever it becomes wet it can be washed and even scrubbed with soap and water. It is equally as good for indoor as outdoor work, over old work as well as new; in fact, where any paint can be used it will be found superior to any other. House painted with it are lasting doublets for years by their superior brilliancy.

Our Wagon and Machinery Paints

From the Paint Division to the more common and cheaper colors, are specially low, and being ready mixed, save the waste of the public completely. Every person owning a wagon, or any kind of machinery, should keep a can of it, and conveniently give them a fresh coat of paint. It would take but a few hours time, while it would add to the durability and appearance of the articles a hundred times its cost.

Our Metallic Roof Paint,

Made of Coal of Iron, comes the nearest to being actually Proof-paint, and is the best and cheapest Roof-coat ever made. For Tin Roofs it has an equal, if not superior, advantage in air resistance—and does not stain or discolor any surface on which it is applied.

U. S. Navy Yard, Mare Island, Calif., September 17, 1877.—Gentlemen: In reply to your inquiry as to my opinion of the respective merits of the 'Averill Mixed Paint' and the 'Babbin Paint,' I would state that I have given them, as I recollect, a fair test. In June, 1873, I received from the Civil Engineers' Office some of the Averill Mixed Paint and some of the Babbin Paint. I put both paints side by side (overboards each) on some outside stone work, and examined on September 14, 1877, I find the Babbin Paint has lost its gloss and color, while the Averill Mixed Paint retains its gloss and is a great deal harder, and my opinion is decidedly in favor of the Averill Paint.—Yours, &c.,

A. GURHAN, Foreman Painter, U. S. Navy Yard, Mare Island.

St. Mary's Church, Gilroy, September 28, 1877.—Gentlemen: Is it not your longing to have little time, and yet serve well in your church over two years ago, with the same intensity, and the same beauty, as when you first entered? It is the most convenient and best paint I have ever used.

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